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**WHEREAS**, the Town Commission desires to amend its Code of Ordinances to change sanitary sewer rates charged to properties connected to the Town's sewer system and to revise the methodology of calculating the rates, in order to better provide for future costs of collecting and treating sewage; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

**SECTION 2. Amending Section 20-19.** Section 20-19 “Rates and Charges” of Article  
 Unitary Sewer System” of Chapter 20 “Utilities” is hereby amended as follows:<sup>1</sup>

(a) *Established.* There is hereby levied and established a schedule of rates and charges for sanitary sewage disposal services against each and every person, firm, partnership, corporation or other legal entity owning or using any buildings or structures in the Town inhabited or used by human beings as a place of residence, business or otherwise.

<sup>[1]</sup> Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

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(b) *Amounts of rates and charges.*

(1) Monthly ~~service~~ base facility charge per single-family unit... ~~\$14.89~~ \$8.92,

(2) Monthly ~~service~~ base facility charge per multi-family unit, including duplexes:.....~~\$14.26~~ \$3.68,

(3) Monthly ~~service~~ base facility charge per commercial customer unit: .....~~\$16.33~~ \$8.92,

multiplied by the number of applicable equivalent units, based on the calculation as follows:

A. Equivalent units are deemed to be the average volume in gallons of the three highest months water usage during the twelve-month period ending September 30, 2011, divided by a factor of 10,000 (rounded up to the next whole number). At any time the Town may recalculate the equivalent units for a customer based on water usage during the preceding twelve month period. The customer may make a written request to the Town to recalculate the equivalent units based on water usage during the preceding twelve month period, provided that no more than one such request is made per calendar year.

B. In the event the there is a change in ownership or substantial change in use of a property, the equivalent units shall be deemed the same as that of the prior use of that property. At any time the Town may recalculate the equivalent units for a customer based on water usage during the preceding twelve month period. The customer may make a written request to the Town to recalculate the equivalent units based on water usage during the preceding twelve month period, provided that no more than one such request is made per calendar year.

C. In the event the customer is located at a property with no prior sewer connection, the equivalent units shall be determined based on meter size as shown in the following table:

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Meter Size	Equivalent Units
5/8"	1.0
3/4"	1.0
1"	2.5
1.5"	5.0
2"	8.0
3"	16.0
4"	25.0
6"	50.0
8"	80.0
10"	115.0

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At any time the Town may recalculate the equivalent units for a customer based on water usage during the preceding twelve month period. The customer may make a written request to the Town to recalculate the equivalent units based on water usage during the preceding twelve month period, provided that no more than one such request is made per calendar year.

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*(4) Consumption rate charged per 1,000 gallons of water usage:*

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All customer classes..... ~~\$3.46~~ \$5.13

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~~All~~ Residential units will not be charged a consumption rate for usage in excess of 10,000 gallons per month

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*(5) Monthly customer service/administration charge per meter:*

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All customer classes..... \$ 1.31

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**SECTION 3. Amending Section 20-23.** Section 20-23 “Definitions” of Article II

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“Sanitary Sewer System” of Chapter 20 “Utilities” is hereby amended as follows:<sup>2</sup>

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<sup>[2]</sup> Additions to existing text are shown in underline. Deletions are shown in ~~strike through~~.

## ORDINANCE 2012-13

### Sec. 20-23. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

BOD or biochemical oxygen demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C expressed in milligrams per liter.

Combined sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm waters as may be present.

Commercial customer shall mean a customer that is not a single family or multi-family customer. Included in this definition are mixed use properties that do not have separate meters for commercial and residential areas and transient public lodging establishments.

~~Commercial unit shall mean:~~

~~(1) — A structure housing one business served by one meter. Included in this definition are individual business areas within a multi-user structure when each is served by an individual meter.~~

~~(2) — Each business, excluding hotels and motels, with separate public access, such as a store in a mall, if the business is provided with water service and has two or more plumbing fixtures, will be considered a unit. Laundry services, such as a laundromat, will be considered as one unit.~~

~~(3) — A domicile when supplied by a commercial meter. This shall include a resident manager's apartment offices located inside of a predominantly commercial structure.~~

~~(4) — For hotels, apartment hotels, motels, or apartment motels the following definitions shall apply:~~

~~a. — Each room (intended for occupancy by a guest) containing two or more plumbing fixtures and having separate access within a hotel, apartment hotel, motel, or apartment motel will be considered a unit. Meeting rooms within a hotel will be considered as part of the commons area.~~

~~b. — Each business within separate public access, if the business is provided with water service, and contains two or more plumbing fixtures will be considered one unit.~~

~~(5) — If more than one meter provides service to a subunit of a building, a building, or a multiple building complex (a looped plumbing system), then the number~~

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~~of units will be divided evenly among all meters. However, no meter will be billed for less than one unit.~~

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Mixed-use property shall mean a property which encompasses both residential and non-residential uses.

Multi-family unit shall mean:

(1) Each domicile in a multi-family meter connection will be considered a unit. This will include both individual apartment units, and if several single-family structures are connected to one meter, each single-family structure will be considered a unit, provided that no more than 25 percent of the units in the building, complex of buildings, or group of single family structures connected to one meter are advertised, held out to be, or used by the public as a transient public lodging establishment.

(2) If more than one meter provides service to a ~~submit~~ sub-unit of a building, a building, or a multiple building complex (a looped plumbing system), then the number of units will be divided evenly among all meters. However, no meter will be billed for less than one unit.

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Transient public lodging establishment shall mean any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised, held out to be or used by the public as a place regularly rented to guests.

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**SECTION 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 5. Conflicts.** All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6. Effective Date.** This Ordinance shall become effective upon adoption on second reading.

Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2012.

**ORDINANCE 2012-13**

Passed and adopted on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor Roseann Minnet

First Reading

Second Reading

Mayor Minnet

Vice-Mayor Sasser

Commissioner Brown

Commissioner Dodd

Commissioner Vincent

Attest:

\_\_\_\_\_  
Town Clerk, June White  
(CORPORATE SEAL)

Approved as to form:

\_\_\_\_\_  
Town Attorney, Susan L. Trevarthen